



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2014 REGULAR SESSION

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HOUSE BILL NO. 87

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TUESDAY, FEBRUARY 18, 2014

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE April 7, 2014  
3:56pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY L. Adler

1 AN ACT relating to transparency in employment rates and earnings.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 151B.133 is amended to read as follows:

4 The duties of the Office for Education and Workforce Statistics shall be to:

5 (1) Oversee and maintain the warehouse of education data and workforce data in the  
6 Kentucky Longitudinal Data System;

7 (2) Develop de-identification standards and processes using modern statistical methods;

8 (3) Conduct research and evaluation regarding federal, state, and local education and  
9 training programs at all levels;

10 (4) Audit and ensure compliance of education and training programs with applicable  
11 federal and state requirements as authorized by federal and state law;

12 (5) Work with public agencies and other entities to define statewide education,  
13 workforce development, and employment metrics and;

14 ~~(6) Work with public agencies and other entities to ensure the integrity and quality of~~  
15 ~~data being collected;~~

16 ~~(6)~~~~(7)~~ Link education data and workforce data from multiple sources for  
17 consideration in developing broad public policy initiatives;

18 ~~(7)~~~~(8)~~ Develop requirements and definitions for data to be provided by any public  
19 agency, private institution of higher education, private school, or parochial school,

20 as directed by the Board of the Kentucky Center for Education and Workforce  
21 Statistics;

22 ~~(8)~~~~(9)~~ Develop a reasonable fee schedule for services provided;

23 ~~(9)~~~~(10)~~ Establish data quality standards;

24 ~~(10)~~~~(11)~~ Promulgate administrative regulations necessary for the proper administration  
25 of the Kentucky Longitudinal Data System;

26 ~~(11)~~~~(12)~~ Ensure compliance with the federal Family Educational Rights and Privacy  
27 Act, 20 U.S.C. sec 1232g, and all other relevant federal and state privacy laws;

1 ~~(12)~~~~{(13)}~~ Respond to approved research data requests in accordance with the data access  
2 and use policy established by the board;~~{and}~~

3 (13) Develop and disseminate, in cooperation with the Council on Postsecondary  
4 Education and the Department of Education, information on the employment  
5 and earnings of the public postsecondary institution graduates in Kentucky. This  
6 information shall be updated at least every three (3) years and shall be:

7 (a) Posted on the Web site of the Office for Education Workforce and Statistics;

8 (b) Posted on the Web site of the Council on Postsecondary Education;

9 (c) Posted on the Web site of each public postsecondary institution, with the  
10 Web site address published in each institution's catalogue; and

11 (d) Made available to every high school guidance and career counselor, who  
12 shall be notified of its availability for the purpose of informing all high  
13 school students preparing for postsecondary education.

14 (14) Enter into contracts or other agreements with appropriate entities, including but not  
15 limited to federal, state, and local agencies, to the extent necessary to carry out its  
16 duties and responsibilities only if such contracts or agreements incorporate adequate  
17 protections with respect to the confidentiality of any information to be shared.

18 ➔Section 2. KRS 151B.134 is amended to read as follows:

19 (1) The Board of the Kentucky Center for Education and Workforce Statistics is hereby  
20 established and attached to the Education and Workforce Development Cabinet,  
21 Office of the Secretary.

22 (2) The board shall be composed of:

23 (a) The commissioner of the Department of Education or designee;

24 (b) The executive director of the Education Professional Standards Board or  
25 designee;

26 (c) The president of the Council on Postsecondary Education or designee;

27 (d) The secretary of the Education and Workforce Development Cabinet or

1           designee; and

2           (e) The executive director of the Kentucky Higher Education Assistance  
3           Authority.

4       (3) The duties and functions of the board shall be to:

5           (a) Develop a detailed data access and use policy for requests that shall include  
6           but not be limited to the following:

7               1. Direct access to data in the Kentucky Longitudinal Data System shall be  
8               restricted to authorized staff of the office;

9               2. Data or information that may result in any individual or employer being  
10              identifiable based on the size or uniqueness of the population under  
11              consideration may not be reported in any form by the office; and

12              3. The office may not release data or information if disclosure is prohibited  
13              under relevant federal or state privacy laws;

14           (b) Establish the research agenda of the office;

15           (c) Make nominations to the Governor for the appointment of an executive  
16           director;

17           (d) Oversee compliance by the office with the federal Family Educational Rights  
18           and Privacy Act, 20 U.S.C. sec. 1232g, and other relevant federal and state  
19           privacy laws;~~[and]~~

20           (e) Ensure that reports generated by the Office for Education and Workforce  
21           Statistics are distributed to appropriate personnel within the agencies  
22           represented by the board members; and

23           (f) Provide general oversight of the office.

24       (4) The secretary of the Education and Workforce Development Cabinet shall serve as  
25       chair of the board.

26       (5) The board shall meet at least semiannually and at other times upon the call of the  
27       chair. The meetings shall be subject to the open meetings requirements of KRS

1       61.800 to 61.850 and 61.991.

2       (6) The board may form committees, work groups, or advisory councils to accomplish  
3       its purposes.

4       ➔Section 3. KRS 164.020 is amended to read as follows:

5       The Council on Postsecondary Education in Kentucky shall:

6       (1) Develop and implement the strategic agenda with the advice and counsel of the  
7       Strategic Committee on Postsecondary Education. The council shall provide for and  
8       direct the planning process and subsequent strategic implementation plans based on  
9       the strategic agenda as provided in KRS 164.0203;

10      (2) Revise the strategic agenda and strategic implementation plan with the advice and  
11      counsel of the committee as set forth in KRS 164.004;

12      (3) Develop a system of public accountability related to the strategic agenda by  
13      evaluating the performance and effectiveness of the state's postsecondary system.  
14      The council shall prepare a report in conjunction with the accountability reporting  
15      described in KRS 164.095, which shall be submitted to the committee, the  
16      Governor, and the General Assembly by December 1 annually. This report shall  
17      include a description of contributions by postsecondary institutions to the quality of  
18      elementary and secondary education in the Commonwealth;

19      (4) Review, revise, and approve the missions of the state's universities and the  
20      Kentucky Community and Technical College System. The Council on  
21      Postsecondary Education shall have the final authority to determine the compliance  
22      of postsecondary institutions with their academic, service, and research missions;

23      (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively  
24      provide for an integrated system of postsecondary education. The council shall  
25      guard against inappropriate and unnecessary conflict and duplication by promoting  
26      transferability of credits and easy access of information among institutions;

27      (6) Engage in analyses and research to determine the overall needs of postsecondary

- 1 education and adult education in the Commonwealth;
- 2 (7) Develop plans that may be required by federal legislation. The council shall for all  
3 purposes of federal legislation relating to planning be considered the "single state  
4 agency" as that term may be used in federal legislation. When federal legislation  
5 requires additional representation on any "single state agency," the Council on  
6 Postsecondary Education shall establish advisory groups necessary to satisfy federal  
7 legislative or regulatory guidelines;
- 8 (8) Determine tuition and approve the minimum qualifications for admission to the  
9 state postsecondary educational system. In defining residency, the council shall  
10 classify a student as having Kentucky residency if the student met the residency  
11 requirements at the beginning of his or her last year in high school and enters a  
12 Kentucky postsecondary education institution within two (2) years of high school  
13 graduation. In determining the tuition for non-Kentucky residents, the council shall  
14 consider the fees required of Kentucky students by institutions in adjoining states,  
15 the resident fees charged by other states, the total actual per student cost of training  
16 in the institutions for which the fees are being determined, and the ratios of  
17 Kentucky students to non-Kentucky students comprising the enrollments of the  
18 respective institutions, and other factors the council may in its sole discretion deem  
19 pertinent;
- 20 (9) Devise, establish, and periodically review and revise policies to be used in making  
21 recommendations to the Governor for consideration in developing  
22 recommendations to the General Assembly for appropriations to the universities,  
23 the Kentucky Community and Technical College System, and to support strategies  
24 for persons to maintain necessary levels of literacy throughout their lifetimes  
25 including but not limited to appropriations to the Kentucky Adult Education  
26 Program. The council has sole discretion, with advice of the Strategic Committee on  
27 Postsecondary Education and the executive officers of the postsecondary education

- 1 system, to devise policies that provide for allocation of funds among the universities
- 2 and the Kentucky Community and Technical College System;
- 3 (10) Lead and provide staff support for the biennial budget process as provided under
- 4 KRS Chapter 48, in cooperation with the committee;
- 5 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
- 6 capital construction projects covered by KRS 45.750(1)(f), including real
- 7 property acquisitions, and regardless of the source of funding for projects or
- 8 acquisitions. Approval of capital projects and real property acquisitions shall
- 9 be on a basis consistent with the strategic agenda and the mission of the
- 10 respective universities and the Kentucky Community and Technical College
- 11 System.
- 12 (b) The organized groups that are establishing community college satellites as
- 13 branches of existing community colleges in the counties of Laurel, Leslie, and
- 14 Muhlenberg, and that have substantially obtained cash, pledges, real property,
- 15 or other commitments to build the satellite at no cost to the Commonwealth,
- 16 other than operating costs that shall be paid as part of the operating budget of
- 17 the main community college of which the satellite is a branch, are authorized
- 18 to begin construction of the satellite on or after January 1, 1998;
- 19 (12) Require reports from the executive officer of each institution it deems necessary for
- 20 the effectual performance of its duties;
- 21 (13) Ensure that the state postsecondary system does not unnecessarily duplicate services
- 22 and programs provided by private postsecondary institutions and shall promote
- 23 maximum cooperation between the state postsecondary system and private
- 24 postsecondary institutions. Receive and consider an annual report prepared by the
- 25 Association of Independent Kentucky Colleges and Universities stating the
- 26 condition of independent institutions, listing opportunities for more collaboration
- 27 between the state and independent institutions and other information as appropriate;

- 1 (14) Establish course credit, transfer, and degree components as required in KRS  
2 164.2951;
- 3 (15) Define and approve the offering of all postsecondary education technical, associate,  
4 baccalaureate, graduate, and professional degree, certificate, or diploma programs in  
5 the public postsecondary education institutions. The council shall expedite wherever  
6 possible the approval of requests from the Kentucky Community and Technical  
7 College System board of regents relating to new certificate, diploma, technical, or  
8 associate degree programs of a vocational-technical and occupational nature.  
9 Without the consent of the General Assembly, the council shall not abolish or limit  
10 the total enrollment of the general program offered at any community college to  
11 meet the goal of reasonable access throughout the Commonwealth to a two (2) year  
12 course of general studies designed for transfer to a baccalaureate program. This  
13 does not restrict or limit the authority of the council, as set forth in this section, to  
14 eliminate or make changes in individual programs within that general program;
- 15 (16) Eliminate, in its discretion, existing programs or make any changes in existing  
16 academic programs at the state's postsecondary educational institutions, taking into  
17 consideration these criteria:
- 18 (a) Consistency with the institution's mission and the strategic agenda;
  - 19 (b) Alignment with the priorities in the strategic implementation plan for  
20 achieving the strategic agenda;
  - 21 (c) Elimination of unnecessary duplication of programs within and among  
22 institutions; and
  - 23 (d) Efforts to create cooperative programs with other institutions through  
24 traditional means, or by use of distance learning technology and electronic  
25 resources, to achieve effective and efficient program delivery;
- 26 (17) Ensure the governing board and faculty of all postsecondary education institutions  
27 are committed to providing instruction free of discrimination against students who



- 1 hold political views and opinions contrary to those of the governing board and  
2 faculty;
- 3 (18) Review proposals and make recommendations to the Governor regarding the  
4 establishment of new public community colleges, technical institutions, and new  
5 four (4) year colleges;
- 6 (19) Postpone the approval of any new program at a state postsecondary educational  
7 institution, unless the institution has met its equal educational opportunity goals, as  
8 established by the council. In accordance with administrative regulations  
9 promulgated by the council, those institutions not meeting the goals shall be able to  
10 obtain a temporary waiver, if the institution has made substantial progress toward  
11 meeting its equal educational opportunity goals;
- 12 (20) Ensure the coordination, transferability, and connectivity of technology among  
13 postsecondary institutions in the Commonwealth including the development and  
14 implementation of a technology plan as a component of the strategic agenda;
- 15 (21) Approve the teacher education programs in the public institutions that comply with  
16 standards established by the Education Professional Standards Board pursuant to  
17 KRS 161.028;
- 18 (22) Constitute the representative agency of the Commonwealth in all matters of  
19 postsecondary education of a general and statewide nature which are not otherwise  
20 delegated to one (1) or more institutions of postsecondary learning. The  
21 responsibility may be exercised through appropriate contractual relationships with  
22 individuals or agencies located within or without the Commonwealth. The authority  
23 includes but is not limited to contractual arrangements for programs of research,  
24 specialized training, and cultural enrichment;
- 25 (23) Maintain procedures for the approval of a designated receiver to provide for the  
26 maintenance of student records of the public institutions of higher education and the  
27 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS

1 165A.310 which offer collegiate level courses for academic credit, which cease to  
2 operate. Procedures shall include assurances that, upon proper request, subject to  
3 federal and state laws and regulations, copies of student records shall be made  
4 available within a reasonable length of time for a minimum fee;

5 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of  
6 the Legislative Research Commission for distribution to the Health and Welfare  
7 Committee;

8 (25) Develop in cooperation with each state postsecondary educational institution a  
9 comprehensive orientation program for new members of the council and the  
10 governing boards. The orientation program shall include but not be limited to the  
11 information concerning the roles of the council, the strategic agenda and the  
12 strategic implementation plan, and the respective institution's mission, budget,  
13 plans, policies, strengths, and weaknesses;

14 (26) Develop a financial reporting procedure to be used by all state postsecondary  
15 education institutions to ensure uniformity of financial information available to state  
16 agencies and the public;

17 (27) Select and appoint a president of the council under KRS 164.013;

18 (28) Employ consultants and other persons and employees as may be required for the  
19 council's operations, functions, and responsibilities;

20 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,  
21 governing its powers, duties, and responsibilities as described in this section;

22 (30) Prepare and present by January 31 of each year an annual status report on  
23 postsecondary education in the Commonwealth to the Governor, the Strategic  
24 Committee on Postsecondary Education, and the Legislative Research Commission;

25 (31) Consider the role, function, and capacity of independent institutions of  
26 postsecondary education in developing policies to meet the immediate and future  
27 needs of the state. When it is found that independent institutions can meet state

- 1 needs effectively, state resources may be used to contract with or otherwise assist  
2 independent institutions in meeting these needs;
- 3 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and  
4 students of the public postsecondary education system and the independent colleges  
5 and universities;
- 6 (33) Develop a statewide policy to promote employee and faculty development in all  
7 postsecondary institutions and in state and locally operated secondary area  
8 technology centers through the waiver of tuition for college credit coursework in the  
9 public postsecondary education system. Any regular full-time employee of a  
10 postsecondary public institution or a state or locally operated secondary area  
11 technology center may, with prior administrative approval of the course offering  
12 institution, take a maximum of six (6) credit hours per term at any public  
13 postsecondary institution. The institution shall waive the tuition up to a maximum  
14 of six (6) credit hours per term;
- 15 (34) Establish a statewide mission for adult education and develop a twenty (20) year  
16 strategy, in partnership with the Kentucky Adult Education Program, under the  
17 provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult  
18 population. The council shall:
- 19 (a) Promote coordination of programs and responsibilities linked to the issue of  
20 adult education with the Kentucky Adult Education Program and with other  
21 agencies and institutions;
- 22 (b) Facilitate the development of strategies to increase the knowledge and skills  
23 of adults in all counties by promoting the efficient and effective coordination  
24 of all available education and training resources;
- 25 (c) Lead a statewide public information and marketing campaign to convey the  
26 critical nature of Kentucky's adult literacy challenge and to reach adults and  
27 employers with practical information about available education and training

1 opportunities;

2 (d) Establish standards for adult literacy and monitor progress in achieving the  
3 state's adult literacy goals, including existing standards that may have been  
4 developed to meet requirements of federal law in conjunction with the  
5 Collaborative Center for Literacy Development: Early Childhood through  
6 Adulthood; and

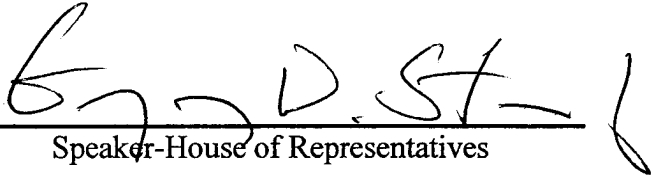
7 (e) Administer the adult education and literacy initiative fund created under KRS  
8 164.041;

9 (35) Participate with the Kentucky Department of Education, the Kentucky Board of  
10 Education, and postsecondary education institutions to ensure that academic content  
11 requirements for successful entry into postsecondary education programs are  
12 aligned with high school content standards and that students who master the high  
13 school academic content standards shall not need remedial courses. The council  
14 shall monitor the results on an ongoing basis;

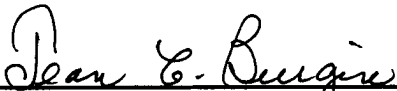
15 (36) Cooperate with the Kentucky Department of Education and the Education  
16 Professional Standards Board in providing information sessions to selected  
17 postsecondary education content faculty and teacher educators of the high school  
18 academic content standards as required under KRS 158.6453(2)(j);~~and~~

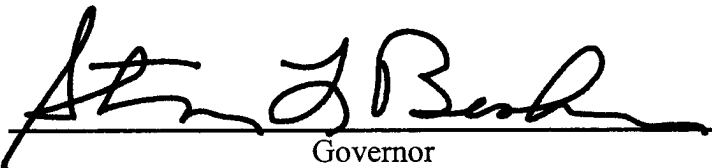
19 (37) Cooperate with the Office for Education and Workforce Statistics and ensure the  
20 participation of the public institutions as required in Section 1 of this Act; and

21 (38) Exercise any other powers, duties, and responsibilities necessary to carry out the  
22 purposes of this chapter. Nothing in this chapter shall be construed to grant the  
23 Council on Postsecondary Education authority to disestablish or eliminate any  
24 college of law which became a part of the state system of higher education through  
25 merger with a state college.

  
\_\_\_\_\_  
Speaker-House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date 4-7-14